

## **REMARKS**

Claims 1, 2, 4, 7 – 11, 17, 18, 20, 23-27, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 88, 89, 91, 95-97, 99, 102, 103, 105, 109, 110, 112 – 118, 120 – 128, 130 – 135, 137 – 141, 143 – 147, and 149 – 155 are pending in the application and these same claims stand rejected. Applicants herein amend claims 1, 17, 33, 45, 81, 91, 95, 105, 109, 110, 112, 113, 114, 115, 116, 117, 121, 122, 123, 124, 125, 131, 132, 138, 139, 144, 145, 146, 147, 149, 150, 151, 152, 153, 154, 155. No new matter has been added. Applicant respectfully requests review and examination of the pending claims.

### ***Claim Objections***

Claim 45 stands rejected to because the claim recites, “a signal representing said outcome to send to each of said terminals for display, the signal being configured to be received and decoded y said remote terminals.” Applicant has amended claim 45 to correct the typographical error.

### ***Claim Rejections 35 USC §103(a)***

Claims 1, 2, 4, 7 – 11, 17, 18, 20, 23-27, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 88, 89, 91, 95-97, 99, 102, 103, 105, 109, 110, 112-118, 120-128, 130-135, 137-141, 143-147, and 149 – 155 stand rejected under 35 U.S.C. § 103(a) over online Monopoly in view of one of more of U.S. Patent No. 6,579,184 (“Tanskanen”), U.S. Patent No. 5,564,700 (“Celona”), U.S. Patent No. 4,421,314 (“Stancill”), U.S. Patent No. 5,237,288 (Teshima et al), and U.S. Publication No. 2002/0082067 (Mckay et al).

With respect to claim 1, in an Office Action the Examiner stated that “Online Monopoly® fails to teach identifying one or more remote terminals for a game by utilizing one or more stored numbers associated with said one or more remote terminals. However such limitations are considered to be obvious since all games played over a network require the user of some identification number such as an IP address so that machines know where to send information.” (Office Action dated June 18, 2007 at p. 4 – 5). Applicant has amended

claim 1 to further clarify Applicant's techniques and submits that the rejection has been overcome.

As a preliminary matter, Applicant is not sure whether the Examiner is asserting that the above referenced limitation is inherent or obvious since the Examiners statements could be interpreted either way. In the instance that the Examiner is asserting that the limitation is inherent, Applicant disagrees with the Examiner because "[t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish inherency of that result or characteristic." *In re Rijckaert*, 9 F. 3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). In fact, [t]o establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and ... [i]nherency ... may not be established by probabilities or possibilities." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). Applicant submits that Online Monopoly® does not necessarily identify "at a first terminal, one or more remote terminals for a game by retrieving one or more stored numbers associated with said one or more remote terminals from memory of the first terminal." For example, two clients playing online Monopoly® could only know the IP address of a server they are connected to. The server may store the IP addresses of each client and route commands sent from one client to another. Additionally, the IP address of a second device may not be retrieved from the memory of the first device, it may be transmitted from the second device when starting the game.

In the instance that the Examiner is asserting that the limitation is obvious, Applicant disagrees with the Examiner because the cited art fails to teach or suggest "identifying, at a first terminal, one or more remote terminals for a game by retrieving one or more stored numbers associated with said one or more remote terminals from memory of the first terminal." Accordingly, Applicant respectfully requests reconsideration of the rejection for at least these reasons.

Insomuch as claims 2, 4, 7, 8, 9, 10, and 11 depend directly or indirectly from claim 1 they too patentably define over the art for at least these reasons. Accordingly, Applicant respectfully requests reconsideration of the rejection.

Independent claims 17, 81, 95, 109, 117, 151, and 152 recite similar elements to that of claim 1 and they too patentably define over the art for at least similar reasons with respect

to claim 1. Inasmuch as claims 18, 20, 23, 25, 26, 27, 82 – 83, 85, 88, 89, 91, 110, 112, 113, 114, 115, 116, 118, 120, 121, 122, 123, 124 depend directly or indirectly from claim 17, 81, 95, 109, 117, 151, or 152 they too patentably define over the cited art for at least the following reasons. Accordingly, Applicant respectfully requests reconsideration of the rejections.

Claim 33 stands rejected under 35 U.S.C. § 103(a) over online Monopoly in view of Tanskanen, Celona, and Stancill. In the Office Action, the Examiner stated that it would have obvious to use a TCP/IP “signal [that] would be configured to be received and decoded by the gaming terminals.” (Office Action at p. 5). Applicant respectfully submits that claim 33 as amended defines over the cited art. For example, the combination fails to teach or suggest at least “transmitting, from the first terminal over a communications link, a dual tone multi-frequency signal representing said outcome to each of said remote terminals for display, the signal being configured to be received and decoded by each of said remote terminals.” The Examiner stated that Tanskanen teaches that “[t]he DTMF player input signals transmitted and *received by said player and other player’s game devices are inband signals.*” (Office Action at p. 5.) Applicants submit that Tanskanen states that a cellular phone can be used as a controller to send commands as DTMF signals to a server, the server can then transform the signals into commands the video game system can interpret and modifies the game based on the commands. Then, the server transmits a TV signal to a second user’s TV. *The signal transmitted to the TV is a different signal type than the signal initially transmitted by controller*, i.e., “the player input data may be ... (DTMF) data that is input by the players using telephone keypads” (Tanskanen, col. 2, lines 1 – 4) and “the video may [be] received *over a broadcast video network.*” (Tanskanen, col. 2, lines 20 – 25)(emphasis added). Accordingly, Applicant respectfully requests reconsideration of the rejection for at least the following reason.

Inasmuch as claims 34, 35, 37, and 41 depend directly or indirectly from claim 33 they too patentably define over the cited art. Accordingly, Applicant respectfully requests reconsideration of the rejections for at least the above mentioned reason with respect to claim 33.

Independent claims 45, 109, 117, 125, 132, 139, 145, 151, 152, 153, 154, and 155 recite similar elements to that of claim 33 and patentably define over the art for at least

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similar reasons with respect to claim 33. Inasmuch as claims 46, 47, 49, 53, 110, 112, 113, 114, 115, 116, 118, 126, 120, 121, 122, 123, 124, 126, 127, 128, 130, 131, 133, 134, 135, 137, 138, 140, 141, 143, 144, 146, 147, 149, 150, and 154 depend directly or indirectly from claims 45, 109, 117, 125, 132, 139, 145, 151, 152, 153, 154, or 155 they too patentably define over the cited art for at least the reasons stated above with respect to claims 45, 109, 117, 125, 132, 139, 145, 151, 152, 153, 154, and 155. Accordingly, Applicant respectfully requests reconsideration of the rejections.

### **CONCLUSION**

In the view of the foregoing amendments and remarks, Applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the application for any reason, the Examiner is encouraged to contact Applicant's representative.

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